

REMARKS

Claims 1, 5-14, 16, and 18-39 are pending in this application. Claims 1, 14, 27, and 35 are independent. In light of the amendments are remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to correct minor errors. For example, claim 1 was amended to remove the “optionally acknowledging” step from the claim. As the Examiner indicated in the outstanding Official Action that the Office is interpreting the element as an “or”, and that the claim can include this element, or not, Applicant respectfully submits that this amendment does not present a new issue that would require further search and/or consideration. Additionally, claims 14 and 16-26 were amended to correct a minor error to properly recite a system. This amendment does not present a new issue that would require further search and/or consideration.

In the outstanding Official Action, the Examiner rejected claims 1 and 14 under 35 U.S.C. §112, second paragraph. The Examiner further rejected claims 1, 5-6, 14, 18-19, 22, 27-30 and 32-38 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* (USP 6,789,191) in view of *Dorenbos* (USP 5,751,813) and further in view of *Sekendur* (USP 5,852,434); rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* in view of *Dorenbos* and *Sekendur* and further in view of *Jalili* (USP 6,209,104); and rejected claims 7-13, 20-21, 23-26, 31, and 39 under 35 U.S.C. §103(a) as being unpatentable over

Lapstun et al. in view of *Dorenbos* and *Sekendur* and further in view of *Schneier*. Applicant respectfully traverses these rejections.

Claim Rejections – 35 U.S.C. §112

The Examiner rejected claims 1 and 14 asserting the term “optionally” is indefinite. Applicant respectfully submits that claim 14 does not recite this term and, as such, it is respectfully requested that the outstanding rejection be withdrawn.

By this amendment, Applicant has amended claim 1 to remove the term in question. It is respectfully submitted that the term does not render the claim indefinite. However, in order to advance prosecution, Applicant has amended the claim to remove this term. Based upon this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)-*Lapstun et al./Dorenbos/Sekendur*

The Examiner rejected claim 1 asserting the combination of *Lapstun et al.*, *Dorenbos*, and *Sekendur* render the claim obvious. Specifically, the Examiner asserts that obtaining, in the digital pen, at least one absolute position recorded from an absolute position coding pattern on a secure note, (citing to col. 4, lines 46-52), sending the at least one absolute position recorded from the secure note to a database device, (citing to col. 4, lines 55-60), in which the at least one absolute position is associated with an address of the receiving device, (citing to col. 7, lines 49-58), and receiving, in the digital pen, the address, (citing to col. 17, lines 33-51), and an

encryption key of the receiving device from the database device, (citing to col. 32, lines 54-56).

Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Lapstun et al.* is directed to a system that incorporates netpage pens communicating with printers on a network. At col. 32, lines 6-33, *Lapstun et al.* discloses as follows:

A netpage pen can "know" a number of netpage printers, and a printer can "know" a number of pens. A pen communicates with a printer via a radio frequency signal whenever it is within range of the printer. Once a pen and printer are registered, they regularly exchange session keys. Whenever the pen transmits digital ink to the printer, the digital ink is always encrypted using the appropriate session key. Digital ink is never transmitted in the clear.

A pen stores a session key for every printer it knows, indexed by printer ID, and a printer stores a session key for every pen it knows, indexed by pen ID. Both have a large but finite storage capacity for session keys, and will forget a session key on a least-recently-used basis if necessary.

A preferred embodiment of a pen connection protocol is shown in FIG. 53. According to the protocol, when a pen 101 comes within range of a printer 601, the pen and printer discover whether they already know each other. If they don't know each other, then the printer determines, via the registration server 11, whether it is supposed to know the pen. This might be, for example, because the pen belongs to a user who is registered to use the printer. The printer sends its own printed ID 62, together with the pen ID, to the registration server. The registration server determines if a printer record 802 and a pen record 801 are linked to the same user record 800 in the registration server database 74.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a method for secure wireless transmission of information from a digital pen to a receiving device, comprising obtaining, in the digital pen, at least one absolute position recorded from an absolute position coding pattern on a secure note; sending said at least one absolute position recorded from the secure note to a database device, in which said at least one absolute position is associated with an

address of the receiving device; and receiving, in the digital pen, said address and an encryption key of said receiving device, from the database device.

Lapstun et al. teaches that the netpage pen and the netpage printer are registered with each other. Once the pen comes within range of the printer, the pen and the printer discover if they know each other through the use of the unique pen ID. There is no teaching or suggestion in *Lapstun et al.* that is directed to sending said at least one absolute position recorded from the secure note to a database device, **in which said at least one absolute position is associated with an address of the receiving device.** Further, there is no teaching or suggestion in *Lapstun et al.* that is directed to **receiving, in the digital pen, said address and an encryption key of said receiving device, from the database device** as recited in claim 1.

Neither *Dorenbos* nor *Sekendur* cure the deficiencies of the teachings of *Lapstun et al.* *Dorenbos* is directed to an encryption server for encrypting messages. There is no discussion in *Dorenbos* that teaches or suggests these claim elements. Further, *Sekendur* is directed to absolute optical position determination. There is no discussion of encryption in *Sekendur*.

As none of the references cited by the Examiner, either alone or in combination (assuming these references are combinable, which Applicant does not admit) teach or suggest all of the claim elements, Applicant respectfully submits that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103(a). As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 5-8, and 10 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further

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respectfully submitted that claims 14, 27, and 35 include elements similar to those discussed above with regard to claim 1 and thus, these claims, together with claims dependent thereon are not obvious for the reasons set forth above with regard to claim 1.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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